

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CASE NO. 3:23-cv-566**

SPINOSO REAL ESTATE GROUP, DLS, )  
LLC, solely in the capacity as court appointed )  
receiver pursuant to that certain Consent )  
Judgment and Stipulated Order for )  
Appointment of Receiver entered on May 21, )  
2021 in the General Court of Justice, Superior )  
Court Division, County of Mecklenburg, State )  
of North Carolina, successor-in-interest to TM )  
Northlake Mall, LP, )

Plaintiff, )

v. )

AE OUTFITTERS RETAIL CO., and )  
AMERICAN EAGLE OUTFITTERS, INC., )

Defendants. )

**AGREED MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER TO DEFENDANTS'  
COUNTERCLAIMS AND HOLD  
RULE 26(f) CONFERENCE**

**AGREED MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO  
DEFENDANTS' COUNTERCLAIMS AND HOLD RULE 26(f) CONFERENCE**

Plaintiff, SPINOSO REAL ESTATE GROUP, DLS, LLC, solely in the capacity as court appointed receiver pursuant to that certain Consent Judgment and Stipulated Order for Appointment of Receiver entered on May 21, 2021 in the General Court of Justice, Superior Court Division, County of Mecklenburg, State of North Carolina, successor-in-interest to TM Northlake Mall, LP (“**Plaintiff**”) and Defendants AE OUTFITTERS RETAIL CO., and AMERICAN EAGLE OUTFITTERS, INC. (“**Defendants**”), for their Agreed Motion for Extension of Time to File Answer to Defendants’ Counterclaims and Hold Rule 26(f) Conference, state as follows:

1. Defendants AE OUTFITTERS RETAIL CO., and AMERICAN EAGLE OUTFITTERS, INC. (“**Defendants**”) filed their Answer, Affirmative Defenses, and Counterclaims against

Plaintiff on September 12, 2023. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(B), Plaintiff's response to Defendants' Counterclaims was due on October 3, 2023.

2. On October 2, 2023, Plaintiff filed an Unopposed Motion for Extension of Time to File Responsive Pleadings to Defendants' Counterclaims, seeking an extension to October 4, 2023.
3. Shortly thereafter, counsel for Plaintiff and Defendants met and conferred regarding the lawsuit and agreed to extend the deadline for Plaintiff to file its Answer to the Counterclaims by thirty (30) days, or November 3, 2023, while the parties discuss a potential resolution to the lawsuit.
4. The parties further agreed that, based on Local Rule 16.1, the deadline for the parties to hold a Rule 26(f) conference is fourteen (14) days after Plaintiff's Answer deadline, or November 17, 2023.
5. The parties therefore respectfully request an extension of time, up to and through November 3, 2023, for Plaintiff to file its Answer to Defendants' Counterclaims, and up to and through November 17, 2023, for the parties to hold a Rule 26(f) conference.
6. This is the second request for an extension of time related to any filing this case.
7. The Parties make this request for additional time in good faith and do not anticipate any additional requests to further extend this deadline.

WHEREFORE, Plaintiff and Defendants respectfully request this Court enter an order extending Plaintiff's deadline to file an Answer to Defendants' Counterclaims up to and through November 3, 2023, extending the deadline for the parties to hold a Rule 26(f) conference up to and through November 17, 2023, and for such other and further relief as this Court deems just and proper under the circumstances.

Dated: October 4, 2023.

AE OUTFITTERS RETAIL CO. and  
AMERICAN EAGLE OUTFITTERS

By: /s/ William R. Terpening

William R. Terpening  
North Carolina Bar No. 36418  
Terpening Law PLLC  
221 West 11th Street  
Charlotte, North Carolina 28202  
Main line: (980) 265-1700  
terpening@terpeninglaw.com

Respectfully submitted,

SPINOSO REAL ESTATE GROUP, DLS,  
LLC, solely in the capacity as court appointed  
receiver pursuant to that certain Consent  
Judgment and Stipulated Order for  
Appointment of Receiver entered on May 21,  
2021 in the General Court of Justice, Superior  
Court Division, County of Mecklenburg,  
State of North Carolina, successor-in-interest  
to TM Northlake Mall, LP

By: /s/ John B. Honeycutt, Jr.

One of its Attorneys  
John B. Honeycutt, Jr.  
Honeycutt Law Firm, PLLC  
Post Office Box 2484  
Cornelius, North Carolina 28031  
Telephone: (704) 997-5450  
jbh@honeycutt-law.com

- and -

David P. Vallas  
Daniel J. Hoelting  
Pro Hac Vice  
Polsinelli PC  
150 North Riverside Plaza #3000  
Chicago, Illinois 60606  
Telephone: (312) 873-3620